

# Uptown United Platform

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## I. Introduction

### **OUR COMMUNITY**

We live in Inwood and Washington Heights, a working- and middle-class, largely Dominican and Spanish-speaking, residential community in New York City, rich in indigenous Lenape history, where small businesses and a longstanding artistic community thrive. Surrounded by forest, caves, salt marshes, and parks, Northern Manhattan stands out among Manhattan and greater New York City neighborhoods for its natural and demographic diversity. Our community deserves the preservation of existing housing, equitable development of truly affordable new housing, protection for small businesses, continued and robust access to city services, and stewardship of our natural environment through thoughtful and innovative rezoning that respects and responds to local needs and advice.

### **CURRENT CHALLENGES**

Our housing, the largest concentration of rent-regulated apartments in Manhattan, faces pressure from speculators purchasing investment properties and developers seeking to build taller, as-of-right market-rate buildings. Small businesses integral to our community are set to receive no protections from rent hikes, which will drive them out and make room for higher-paying chain stores. Overburdened schools, crowded public transit, and crumbling subsurface infrastructure cannot handle any population increase without immediate renovation and expansion.

### **WHO WE ARE**

Uptown United is a shared platform to propose an alternative vision for our community. We are a collaboration of Northern Manhattan Is Not For Sale (NMN4S), Inwood Preservation (IP), Inwood Small Business Coalition / Coalición de Pequeñas Empresas de Inwood (ISBC/CPEI), Save Inwood Library (SIL), and concerned residents. Our mission is to preserve and protect the character and cultural identity of the Inwood neighborhood in Upper Manhattan: the strong, family-oriented and majority-Latino community; the low-income, predominantly mid-rise housing; the small, locally-owned businesses that serve the needs of Inwood residents; the public assets and historic resources; and large public parks and waterfront. We maintain that any new development must help solve our current challenges rather than exacerbate them. We also hope the Uptown United platform sets a precedent for truly collaborative community-driven planning, not just in Inwood, but in all Northern Manhattan neighborhoods that face many of the same issues as Inwood.

## II. Summary of Recommendations

In this Uptown United platform, we make concrete recommendations under six principles of development:

### A. A rezoning about us, with us, for us

- All housing built on upzoned land must be made 100% affordable for our community
- Broadly apply contextual R7A residential and C2-6A mixed-use commercial zoning that extends to Inwood's actual southern borders of Hillside Avenue
- Separate the ULURPs for Inwood Library and larger neighborhood rezoning
- Provide contextual R5 zoning to protect small apartment buildings from market pressures of R7A
- Sensitively and sensibly rezone Inwood's choke points at the Tip of Manhattan, the 207th Street Bridge, and the Dyckman-Riverside triangle using a strategic and contextual mix of R7A, C2-6A, and M1-4/R6B to maximize housing while minimizing adverse traffic increases
- Increase density with R7X east of 10th Avenue and south of 206th Street only if 100% affordable

### B. Preserve existing housing

- Purchase distressed and at-risk buildings to convert them to 100% permanently affordable units
- Provide tenants and housing activists with rental histories of units from 155th Street northward
- Extend funding for legal services and tenant organizing to all of Inwood, Washington Heights, and Marble Hill/Kingsbridge that covers all rent-burdened tenants, regardless of income or language
- Put political might behind strengthening the rent laws at the state level
- Immediately apply the Right to Counsel and the Certification of No Harassment

### C. Create truly-affordable, community-controlled housing

- Adopt affordability numbers for development on all upzoned land that offer an income distribution that matches the neighborhood distribution and an average income that meets the neighborhood average of \$41,687, or 48% of AMI
- Fund these affordability levels through an innovative new term sheet piloted in Inwood
- Build 100% affordable, community-controlled housing on public land, including the ConEd site on the Harlem River, through Community Land Trusts and non-profit developers

### D. Protect and sustain small businesses

- Create special districts to preserve immigrant- and women-owned small businesses in "Commercial U" and wholesalers/auto shops east of 10th Avenue
- Institute anti-harassment penalties to protect small business-owners from predatory landlords
- Provide relocation assistance for businesses wanting to remain in Inwood during construction
- Implement policy changes included in City Council's recent [Planning for Retail Diversity report](#)

### E. Fortify and green our infrastructure

- Increase school capacity and bolster other municipal services
- Improve transit reliability and frequency
- Repair and fortify subsurface infrastructure including gas, electric, water, and sewer lines
- Install flood buffers in East Inwood through 40-foot-wide parkland along the Harlem River
- Complete the greenway system
- Require LEED standards and solar roofs in new construction
- Pilot organics management in the old Inwood incinerator

### F. Respect the community

- Mandate construction jobs and management training be made available to Inwood residents
- Engage people from across the community in collaborative, deliberative planning and problem-solving, and use their ideas to improve Inwood

### III. New York City’s “Inwood NYC”: More Harm than Good

The “Inwood NYC” plan, an initiative of the New York City Economic Development Corporation (NYC EDC), proposes a rezoning that does not address our community’s needs. “Inwood NYC” is a plan for hyper-gentrification that would have long-term destructive impacts on our neighborhood. Here we summarize our concerns with the Draft Environmental Impact Statement (DEIS) and Final Scope of Work (FSOW):

- The DEIS low-balls its development scenario to project a population increase of only 14,000 new residents, still a roughly 40% increase. The City’s proposed rezoning actually enables development of housing for up to 46,000 people, but the DEIS maintains that only 36% of the upzoned development capacity will come to pass by 2032 by using flawed criteria. One of many examples: they ruled out redevelopment of some one- or two-story “taxpayers” upzoned to 11 stories. This low-balled number means nearly all environmental and social assessments are understated, and the entire DEIS is unreliable and not useful for decision making by the community or public officials.
- The City’s conclusion in the DEIS that there will be no significant residential displacement is arbitrary and capricious because the City never studied the risk of tenant displacement in the large number of rent-regulated apartments in Inwood and surrounding neighborhoods, notably the 9,200 tenants with preferential rent leases who are especially at risk. Instead, the DEIS arbitrarily follows the *CEQR Technical Manual* to exclude such buildings from the displacement analysis, refusing to consider the characteristics and risks of housing in Northern Manhattan.
- The DEIS claims that no adverse public health outcomes will arise from the proposed rezoning and subsequent displacement. Meanwhile, academics and policy-makers alike agree on the adverse public health outcomes of housing insecurity including rising rents and displacement.<sup>1</sup>
- The overwhelming majority of new housing constructed will be market rate and the small amount of “affordable” housing will be out of reach to the majority of people in our community. Mandatory Inclusionary Housing (MIH) without further affordability mechanisms will underwrite the increasing inequality we see all over New York City.
- Vast small business displacement will occur from the proposed upzoning of major commercial corridors. This upzoning will increase property values and continue the trend of rising rents on existing small businesses—these local businesses receive no protections from rent hikes and big-box stores in the current plan.
- The DEIS ignores the severe infrastructure challenges facing Inwood. Schools and transit are already overburdened; increased traffic would delay police, fire, and EMS response; and much of the subsurface infrastructure dates back 80–100 years, with insufficient capacity for such growth.
- There are no guarantees that jobs created by “Inwood NYC” will go to members of our community, despite the precedent for local hire and pre-apprenticeship programs and support for these programs from the Building Trades unions.
- In creating “Inwood NYC,” EDC has not respected the community, instead imposing a top-down plan, created prior to community input, based on a map not shared with the community until there was little chance to make a difference. In writing its DEIS, the City repeatedly ignored requests by many respondents for specific studies of environmental, infrastructure, public services, and social impacts, saying either that these issues were out of scope or that the *CEQR Technical Manual* does not require them. These non-responses are all the more frustrating because NYC EDC’s consultant for EIS and ULURP has a budget of nearly \$900,000.

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<sup>1</sup> See, for example: Fullilove, Mindy T. *Root Shock: How Tearing Up City Neighborhoods Hurts America*. New York: New Village Press 2016 [2004]; Cohen, Rick. [“Confronting the Health Impacts of Gentrification and Displacement”](#) in *Nonprofit Quarterly*. 11 Apr 2014; [“Housing Insecurity and the Association With Health Outcomes and Unhealthy Behaviors”](#) in CDC Research Brief, Vol. 12, July 2015; and most recently, Butera, Candace. [“Are We Worried Sick about the Rent?”](#) in CityLab. 30 Jan 2018.

## IV. Uptown United’s Plan

### A. A rezoning about us, with us, for us

Unified Inwood has formulated an alternative zoning proposal to NYC EDC’s “Inwood NYC” plan. We are volunteers—not a professional planning team. Although our ranks contain experts in relevant fields, we do not have the same resources at our disposal as the City does. What we do have is a deep understanding of our community and what will serve it best. Our zoning proposal consists of three main elements that emerge organically to balance our community’s needs to preserve existing housing, create new and deeply affordable housing, protect small businesses, and address infrastructural deficiencies before any population increase occurs. We provide descriptions of the buildings we want to see along with zoning suggestions based on our research. A map is provided at the end of this section for reference. Our calculations based on these zoning designations suggest our plan will add roughly 7,500 residents to Inwood, as compared to the understated estimate of 14,000 additional residents through the NYC EDC’s plan. However, because we maintain that 100% affordable housing on all upzoned land is possible and necessary, as we argue below in IV.C, our plan will add roughly 2,600 affordable apartments. The City’s reliance on MIH would only create roughly 1,500 such units, many of which would be out of reach for our community.

	NO ACTION CONDITION	WITH ACTION CONDITION		NO-ACTION TO ACTION INCREMENT	
	City Projection from DEIS	City Projections from DEIS <sup>2</sup>	Uptown United Projections <sup>3</sup>	City Projections from DEIS <sup>2</sup>	Uptown United Projections <sup>3</sup>
Total Residential Units	798	5,146	3,435	4,348	2,637
Added Population @ 2.78/Unit	2,218	14,305	9,549	12,088	7,331
<b>Number of "Affordable" Apartments</b>					
City MIH: 25% @ Avg 60% AMI (\$51,400/yr.) + Library 100% Affordable				1,325	
City MIH: 30% @ Avg 80% AMI (\$68,750/yr.) + Library 100% Affordable				1,563	
<b>Uptown United: 100% @ Avg 48% AMI</b>					<b>2,637</b>

Table 1: Residential Development Under City vs. Uptown United Plans

#### 1. Broad application of contextual residential and mixed-use commercial zoning

Our plan calls for contextual rezoning to preserve the character and affordability of the neighborhood and to discourage the deregulation of rent regulated housing in response to market pressures and displacement that spot rezonings south of Dyckman Street and upzoning to R8 on the “Commercial U” would accelerate. With these goals in mind, we suggest **R7A, or commercial equivalent C2-6A in some locations**, for all currently residential and mixed-use areas of Inwood, **including the blocks south of Dyckman St and north of Hillside Avenue and the so-called “Commercial U” along 207th Street, Broadway, and Dyckman Street.**

As we describe below, along with this zoning recommendation, we seek two additional requirements. First, where applicable between 215th Street and 218th Street, MIH may only be invoked alongside other term sheets and subsidy programs designed to achieve 100% affordability for our community, as detailed

<sup>2</sup> City projections taken from DEIS which works out to 36% of difference in maximum residential development capacity between current zoning and proposed zoning actually developed for "No Action to Action Increment." We think the City's development scenario is understated (see III above) so we used 50% for Uptown United.

<sup>3</sup> Uptown United assumes 50% of difference in maximum residential development capacity between current zoning and proposed zoning actually developed for "No Action to Action Increment." These amounts are added to "No Action" to get the "Action" total. We believe 50% buildout of difference in zoning provides a more realistic projection than the methods used in the DEIS.

in Section IV.C below. Second, the “Commercial U” must be made a “special district” with regulations that will retain the small business characteristic of the area, as detailed in Section IV.D.

**Special statement on the Inwood Library:** We strongly and unequivocally reject including the disposition of the library’s public land and redevelopment of Inwood Library in the neighborhood rezoning ULURP; disposition of that land must undergo a separate ULURP process that recognizes its status as a public good and gives the community adequate time to focus on the library project on its own without having to focus at the same time on the many complexities of neighborhood rezoning.

**Special statement on Tailoring for As-Built Conditions:** For small pockets of existing two- and three-story residential buildings along lower Payson Avenue and 217th Street, we urge more tailored zoning to protect from the threat of developers destroying them to build market-rate, eight-story buildings under R7A and to safeguard their contributions to neighborhood character.

## 2. The three choke points of Inwood

The “Tip of Manhattan” before the Broadway Bridge, the area within a block of the 207th Street Bridge, and west Dyckman Street must be treated with consideration for how development at these sensitive sites will impact our entire community. Inappropriate upzoning as NYC EDC proposes would cause gridlock traffic at ingress/egress points and near our local hospital, increase air pollution, and delay emergency services and transit. We envision an innovative combination of 7- to 9-story 100% affordable residential buildings with commercial space and 4- or 5-story contextual live-work production spaces for artists, makers and craftspeople. We suggest **inclusionary R7-A with commercial overlays, some C2-6A, and M1-4/R6B for mixed-use manufacturing and residential buildings.**<sup>4</sup> As with the first element of our zoning proposal, any upzoning must come with 100% affordable housing.

### a. Tip of Manhattan choke point

For this choke point around the Broadway Bridge, we recommend inclusionary R7A with commercial alternative C2-6A along 10th Avenue, along with a two-block special district of M1-4/R6B across from the entrance to Allen Hospital. There could also be a carve-out of a block, along Broadway between 215<sup>th</sup> and 220<sup>th</sup> Streets, to condense and preserve the commercial and light industrial businesses and jobs there.<sup>5</sup> Lastly, the City should redistribute the bus and sanitation vehicle garages more equitably, since Inwood houses vehicles that serve parts of the Bronx and the Upper East Side, to reduce congestion around the access point to Allen Hospital and make land available for 100% affordable housing and community spaces to be developed by nonprofits and/or a Community Land Trust, per [IV.C](#) below.<sup>6</sup>

### b. West Dyckman/Riverside triangle choke point

This choke point encompasses Henshaw Street and Payson Avenue—the single-lane entrance and egress from the on and off ramps of the northbound Henry Hudson Parkway—as well as Riverside Drive and Dyckman Street. We recommend this area be zoned inclusionary M1-4/R6B. Strategically, this designation reduces development pressures on existing automotive uses near Inwood’s only direct access point to a major thruway, protects Tread bike shop that has become a

<sup>4</sup> Several examples exist of the kind of zoning we seek. At this point, we suggest M1-4/R6B as has been used in [Hunters Point, Queens](#): “For this zoning designation, building bulk regulations for residential, light manufacturing and commercial uses would remain unchanged, and existing patterns of development on the midblocks would be reinforced. The allowable FAR [floor-to-area ratio] for new residential buildings would remain at 2.0 with a height limit of 50 feet. This FAR generally leads to four-story buildings, perhaps with space above for duplex apartments, and yard space at the rear. For industrial and commercial uses, the allowable FAR would remain at 2.0.”

<sup>5</sup> New York Presbyterian has shown no interest to date in expanding their health care facilities to that site, and the idea of developing that M1-5 zone into substantial industrial uses is highly speculative. A better use of this site would be a small footprint garage of a few stories to preserve parking spaces and other lots that would be converted to affordable housing.

<sup>6</sup> For example, move M8 sanitation vehicles closer to the Upper East Side, move Bx 7 and 8 back to the Bronx, and garage buses in the Bronx that do not enter Manhattan.

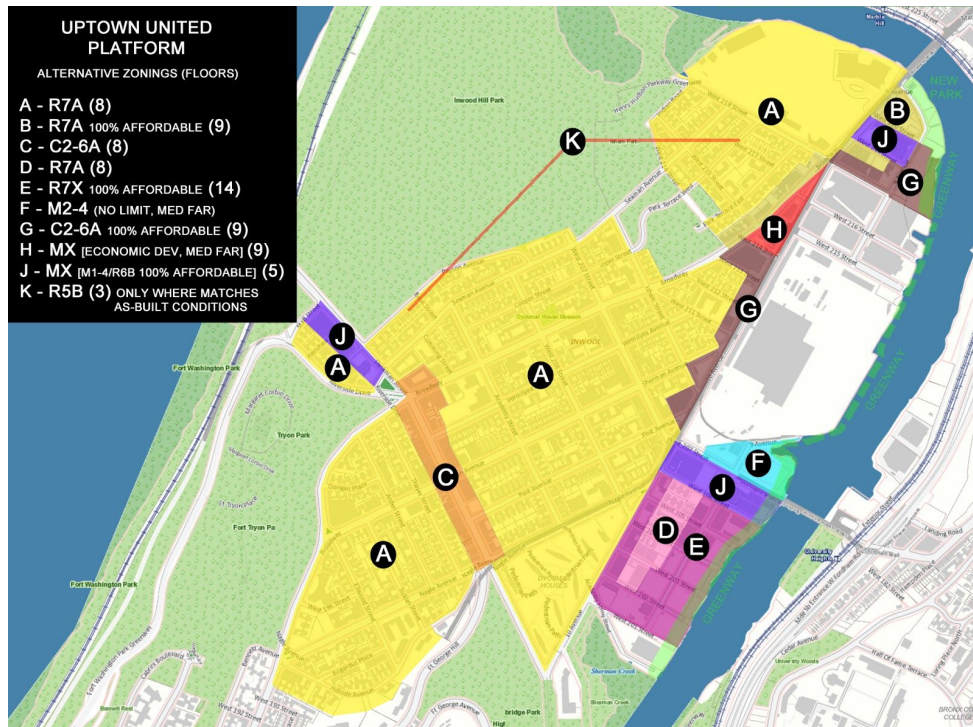
regional destination for Greenway traffic, and makes possible residential development in the form of artist live/work spaces. It also reduces the risk of increased traffic along Henshaw Street or Payson Avenue, which are already routinely backed up with travelers avoiding the Henry Hudson Bridge fare and seasonal visitors to La Marina.

**c. 207th St Bridge choke point**

The choke point surrounding the 207th Street Bridge calls for mixed-use development of inclusionary R7A and C2-6A along with two blocks of M1-4/R6B along 207th Street south of the bridge, rather than the NYC EDC’s plan of extremely high-density R8 and R9. The North Cove should be landmarked as a sacred Lenape burial ground and made off-limits for development. See our full position in [IV.F.1](#) below. Just south of the North Cove area and north of the bridge, we recommend a special district of M2-4 zoning, as the City had proposed farther south between 202nd St and 204th St along the Harlem River, where wholesalers and auto support businesses east of 10th Avenue can consolidate operations as they have proposed to do.

**3. Potential for increased density if 100% affordability is guaranteed east of 10th Avenue**

The area east of 10th Avenue and south of 206th Street is slated for some of the most massive upzoning under NYC EDC’s plan and would be the source of the highest numbers of luxury housing units that would displace important local businesses and cause market pressures across Inwood to skyrocket. We agree with the City in suggesting R7A to protect existing residential buildings where affordable housing can be preserved and medium density maintained. We call for **maximizing the potential for affordable housing** within the height context of nearby Dyckman Houses in areas along 10th Avenue and the Harlem River with a maximum height of 14 stories. We suggest rezoning of R7X to increase the density of truly affordable housing and provide possibility for more robust community services including a public library to serve the added population. As above, these buildings must be 100% affordable as we stipulate below in [IV.C](#). The City should include the Con Edison site in the rezoning area, which was previously destined for sale to the community as described in a [2007 Memorandum of Understanding](#). Once the City makes good on this plan to purchase the land, it can be the pilot project for such R7X buildings with 100% affordable housing. In addition, our plan demands a flood buffer along the Harlem River of at least 40 feet for this area of Inwood, detailed further in [IV.E](#).



## B. Preserve existing housing

Inwood has the highest concentration of rent-regulated housing in Manhattan: as per NYC EDC’s own Neighborhood Snapshot, 61% of rental units in Inwood are rent-regulated versus only 39% across Manhattan. Many converging factors have put these units at risk, including vacancy decontrol, lack of oversight of deregulation, and tenants unaware of their legal rights and unable to access legal representation. These factors have resulted in increasing loss of regulated units and an as-yet unknown amount of illegally deregulated units. Northern Manhattan consistently has the highest rates of housing code violations, with an astounding 80% of cases in Manhattan Housing Court housing court. Additionally, up to 30% of Inwood rental units are under “preferential rent” leases, putting them at immediate risk of a significant rent hike if speculation increases. The recently released policy brief from the CUNY Dominican Studies Institute attests to the impact of these pressures on rent-regulated apartments on the majority-Dominican community of Inwood and Washington Heights, who are seeking relief in the Bronx.<sup>7</sup> Community District 12 as a whole has seen enormous speculation in the real estate market, with 9 rent-regulated buildings recently selling for \$75 million in just one month.<sup>8</sup>

Our plan to protect existing housing involves four sets of actions that must occur *before* any rezoning takes place:

### 1. Prioritize long-term affordability through City-driven building acquisition

The City must set aside significant zero-percent financing and operating subsidies to allow for the purchase of naturally occurring affordable housing, primarily multi-family rent stabilized properties, as well as distressed and/or under-utilized properties from for-profit landlords. Buildings should meet one or more of the following criteria: are closest in proximity to up-zoned areas; are occupied by severely rent-burdened tenants; have apartments that are being held vacant and off the market; are sites of known landlord abuses, court cases, and HPD or DHCR violations. The Housing Not Warehousing act provides a legal framework through which the City could maintain an accurate track record of vacant or underutilized properties in Northern Manhattan to earmark possible acquisitions. This preservation effort could occur through several channels, including the City’s Acquisition Loan Fund, community land trusts (see [IV.C](#) below), long-standing and well respected Community Development Corporations in Northern Manhattan, and City-wide non-profit developers.<sup>9</sup>

We are proposing that the City identify roughly 1,000 units of naturally occurring affordable housing in the rezoning area and immediately begin working to calculate what combination of low-cost financing, operating subsidies, adjustments in equity requirements, etc. would be required to transfer ownership and responsibility for necessary repairs and renovations of these buildings to long-term mission driven ownership entities. Such an acquisition and preservation program must be in force with at least 50% of these deals in the pipeline before any ULURP process is approved. This is necessary both to prevent undue speculation and because protecting naturally occurring affordable housing is a lynchpin to preventing displacement from the rezoning.

### 2. Enforce and strengthen the rent laws

The City must take aggressive steps to enforce the rent laws in the rezoning area and beyond. Among these enforcement efforts must be to:

- Conduct an assessment of rental history of all units above 155th Street to send tenants that information and identify landlords who routinely abuse rent laws. Work with the State Division of

<sup>7</sup> See: <http://dominicanlandmarks.com/Housing-Policy-Brief.pdf>

<sup>8</sup> Savitch-Lew, Abigail. “[Which Neighborhood Facing Rezoning Faces Steepest Displacement Risks](#)” in City Limits, Jan. 11, 2018.

<sup>9</sup> The City must adapt to today’s market conditions. The long-term view of the City that purchasing buildings at market amounts to rewarding speculation is outdated and self-defeating. Other municipalities in high-value markets are taking risks to preserve naturally occurring affordable housing. For example, in the communities surrounding Seattle, the King County Housing Authority (KCHA) has created a rapid acquisition fund that allows them to bid against developers to save affordable housing developments; this has allowed them to preserve affordable housing and to even develop new affordable housing in affluent areas.

Housing & Community Renewal (DHCR) to audit these same property owners' entire multi-family portfolios in the City for such abuses, including false or inflated establishment of "legal" and "preferential" rents, inflated rule of 40 rental adjustments, needless gut renovations and repairs, harassment, illegalities pertaining to J-51 and other tax abatements, lack of adequate maintenance of buildings and units, inflated building-wide MCI charges, and other means of raising rents beyond what would be legally allowed. Make these registered rents public so advocates can also identify patterns and intervene.

- Conduct broad and truly accessible public outreach to educate rent stabilized tenants about how about how to obtain rent histories and file overcharge complaints if applicable. Such outreach should make use of modern technology to bring the City and State resources into the community by allowing tenants to bring their leases to clinics where DHCR records are made available on the spot. Such clinics could be held in churches following Sunday worship services or in building lobbies or storefronts after traditional work hours to allow for accessibility to community residents.
- Extend funding for legal services to support court cases to restore rent-stabilized apartments and tenant organizing to protect against future illegal deregulation to all of Inwood, Washington Heights, and Marble Hill/Kingsbridge—ZIP codes 10034, 10040, 10033, 10032, and 10463— and cover all tenants who are rent-burdened, regardless of income or language of choice. Ensure robust outreach and guarantee funding for at least a decade.
- Put political might behind real rent reform, including lobbying for preferential rent reform and the repeal of the vacancy bonus and vacancy decontrol at the State level.

### 3. ***Immediately apply and fortify the Right to Counsel and the Certification of No Harassment:***

- Include immediately ***all*** of Inwood and Washington Heights in the pilot Right to Counsel program. Current City-mandated Manhattan legal aid only covers Harlem and select additional ZIP codes including Inwood, with a 5-year rollout plan to the rest of the city. This timeline will be too late to help residents just outside of Inwood facing displacement pressures from the rezoning process.
- Ensure permanent funding for newly-passed Certification of No Harassment (CONH) legislation—not just as a 36-month pilot—and supplement it with necessary organizing and outreach efforts. The CONH pilot, which includes Washington Heights and Inwood, requires positive review of landlords' five-year history showing no harassment before they can receive permits to alter, demolish, or change the shape or layout of their buildings. CONH functions most effectively as one preventative measure among many, and therefore will be less effective unless implemented immediately and with additional support. These additional programs must include funding for non-profit staff for organizing and outreach as well as City-led outreach to tenants and landlords.

### 4. ***Include Resources for Dyckman Houses***

Dyckman Houses consist of seven 14-story buildings on a 14 acre complex, bordered by Dyckman and West 204th Streets and Nagle and 10th Avenues. The complex features community space with more than 1,100 apartments housing more than 2,300 residents. This valuable source of permanently affordable housing has received no investment in the "Inwood NYC" plan. We call on the City to reduce the backlog of work orders and investigate and make all tenant-requested repairs by increasing funds for maintenance staff and contractors. We also call on the City to conduct and include a capital needs assessment of the Dyckman Houses and to fund a plan to meet those needs as part of any rezoning in Inwood. Lastly, with such an important public good and scarce asset, there should be no vacancies. We call on the City to conduct a study to determine the actual vacancy rate in Dyckman Houses and to immediately fill those units with tenants. We deplore the reality that the residents of Dyckman Houses have been left out of the City's plan to totally redevelop their community,



and we are calling for the City to engage in more meaningful and inclusive outreach with the residents of Dyckman Houses.

**C. Create truly affordable, community-controlled housing**

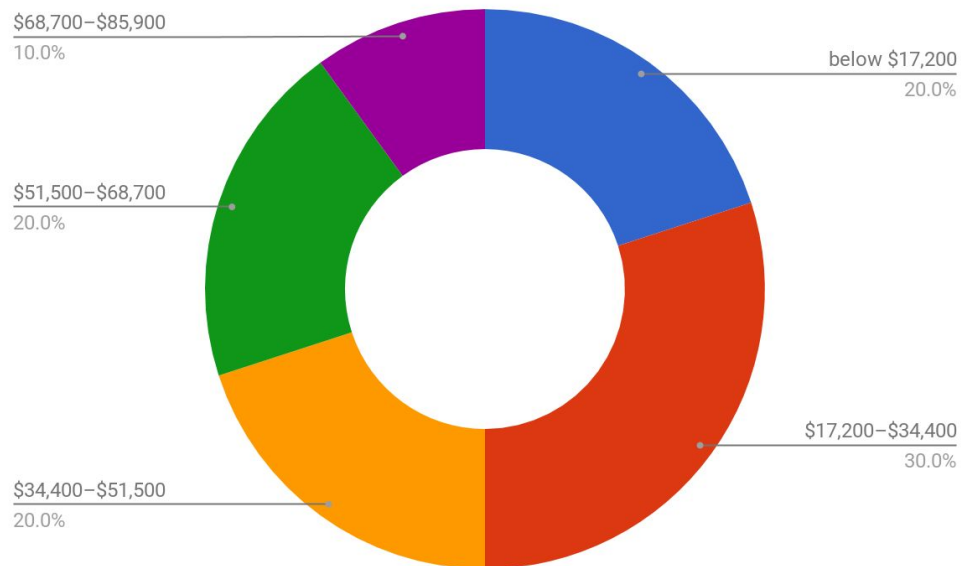
Any new housing developed on rezoned land should strive to fix the housing crisis, not exacerbate it. Mandatory Inclusionary Housing (MIH) originated as a policy to integrate white suburbs, but the City is now using it to gentrify working-class neighborhoods of color.<sup>10</sup> New residential development must be *permanently* affordable for our community. It must match our income distribution: a **median income of \$41,687 or 48% of the Area Median Income (AMI)**, with over one quarter of families earning less than \$24,500, or 30% of AMI.<sup>11</sup>

- 1. The City must invest in deep affordability by committing significant resources to incentivize developers to go beyond the affordability levels of MIH. In addition, there must be a mechanism to guarantee that developers will take advantage of City subsidies.**

To best meet the needs of our community, we seek the following affordability levels for all new housing development in the rezoning area:

- 20% of new units for households<sup>12</sup> earning 20% AMI or below (\$17,200)
- 30% of new units for households earning 20–40% AMI (\$17,200–\$34,400)
- 20% of new units for households earning 40–60% AMI (\$34,400–\$51,500)
- 20% of new units for households earning 60–80% AMI (\$51,500–\$68,700)
- 10% of new units for households earning 80–100% AMI (\$68,700–\$85,900)

In addition, we seek at least 10% of new units reserved for seniors, at least 10% of new units reserved for people currently experiencing homelessness, and at least 50% of new units reserved for current and former Inwood residents who have been displaced due to high rents.



<sup>10</sup> Seitles, Marc. The Perpetuation of Residential Racial Segregation in America: Historical Discrimination, Modern Forms of Exclusion, and Inclusionary Remedies. *Journal of Land Use & Environmental Law* Vol. 14, No. 1 (1998), pp. 89-124.

<sup>11</sup> Taken from the NYC EDC’s own report on Inwood, called the *Inwood NYC 2017 Action Plan*

<sup>12</sup> Based on households size of three.

These affordability levels depart from current City policy targeting “low income” residents that often overlooks “very low” and “extremely low” income residents who make up the majority of our community.<sup>13</sup> Our proposed affordability levels would result in a building average of 45–50% AMI. This number matches the average AMI of our neighborhood and we believe it is financially feasible with modest increases to existing policies supporting creation of new affordable housing.

**2. Any rezoning plan in Inwood must commit the City to supplement MIH funds for deeper affordability.**

Reaching the affordability levels our community needs will require additional policies for buildings on privately-held land and built by for-profit developers, as well as a diverse array of developers with an emphasis on non-profits. Existing tax credits, including the Low Income Housing Tax Credit at the federal level and the 421-A revamp at the state level, will be important to this calculus. In addition, we recommend the City devise a new term sheet, to be piloted during the Inwood rezoning, that meets the aforementioned levels to ensure deeply and permanently affordable housing. The MIH program will *not* suffice in isolation to meet the needs of our community. In particular, the area east of 10th Avenue and south of 206th Street, as mentioned above, may only be upzoned to R7X if the affordability numbers matching our community’s needs are guaranteed.

**3. Build affordable, community-controlled housing on public land.**

Prioritize housing development on public land where the City has greater leverage to require deep affordability. As mentioned above, the City should include in the rezoning area the ConEd site which was previously destined for sale to the community as per the 2007 MoU, as well as make plans to develop the Department of Highways building on 206th St. and the DOT Safety City site in Washington Heights. These parcels should be transferred to the Northern Manhattan Community Land Trust (NMCLT) to partner with a non-profit developer to develop deeply and permanently affordable housing on CLT land, in accordance with CB12’s recognition of the Northern Manhattan CLT in their December 2017 resolution supporting the concept of CLTs and acknowledging formation of NMCLT.<sup>14</sup>

## **D. Protect and sustain small businesses**

Inwood’s independently-owned wholesale and retail businesses represent a vital, integrated and interdependent business ecosystem, all putting money directly back into the community through local purchasing and local jobs. Inwood’s small businesses provide opportunity and jobs in a largely immigrant community and are essential to the stable economic health and growth of Northern Manhattan. Yet 94% of Inwood’s small businesses lease their space, and 53% of Inwood’s small business owners say their rent is “barely affordable” right now.<sup>15</sup> Should the rezoning pass as-is, the foundation of the local economy, with approximately 53% immigrant- and 29% women-owned business, will crumble quickly, taking our community along with it.<sup>16</sup>

It is crucial that any neighborhood plan aim to protect local small businesses from closing due to high rents.<sup>17</sup> The upzoning to C4-4D, C4-5D R7D and R8A proposed for the “Commercial U” of 207th Street, Broadway, and Dyckman Street spells disaster and displacement for our immigrant-owned businesses. However, neither the current zoning designation of R7-2, nor the most widely proposed zoning designation of R7A, can protect our existing independently-owned small businesses, either. We strongly believe that the City Council must examine this issue in a series of hearings and take legislative action to

<sup>13</sup> See p. 11 of [Housing New York 2.0 report](#)

<sup>14</sup> CB12 wanted it to be clear that they support the CLT concept and acknowledge but do not necessarily endorse NMCLT.

<sup>15</sup> According to [Neighborhood 360: Inwood Manhattan Commercial District Needs Assessment Report](#).

<sup>16</sup> Since the City has refused to study the impact on minority and women-owned businesses in its EIS, we looked at the City’s 360 stuy database and relied on canvassing of business owners for this data. This is to be used as a reference only (it is not based on a scientific survey). Yet, the proportion of Latino-owned businesses is likely even higher on these corridors, not to mention among the wholesalers.

<sup>17</sup> Per the [New York Times](#), November 2017.

create zoning text and new incentives that protect independently-owned businesses across New York City, especially in neighborhoods that have been or are targeted for rezoning.

In the meantime, we demand that any plan include non-zoning-based protections for small and local businesses, particularly those that serve and employ the working class and Latino community in and around the rezoning area. Any plan must acknowledge that our local businesses are not merely spaces of transactions: they are also a great resource for our neighborhood, a place of community engagement, and a network of interdependence that so many working class immigrant families rely on. As such, any plan to rezone must meet the following demands:

1. **Designate a special district along the “Commercial U”** to safeguard “neighborhood character.” Drawing on precedents including the Upper West Side’s “Special Enhanced Commercial District”: limit storefrontages to 25 feet, require at least 2 storefronts for every 50 feet, limit uses to types of businesses that will primarily provide essential community services to the local neighborhood in certain areas of the “Commercial U,” and limit sizes of grocery stores to 15,000 sq ft in the “Commercial U.”
2. **Designate a special wholesale district** for Inwood’s wholesale businesses, which serve Northern Manhattan and the Bronx. They have expressed willingness to consolidate operations in exchange for this designation.
3. **Increase property taxes or fine property owners for empty commercial space** smaller than 5,000 sq ft after a period of vacancy exceeding 180 days to incentivize occupied storefronts and vacant land.
4. Include **anti-harassment penalties to protect small business owners** like those for residents, penalizing landlords for harassment of small business owners and denial of demolition or construction permits when harassment is found.
5. In the zoning text, **implement storefront design regulations** that reflect human-scale building facades to help reduce the spread of chain stores.
6. Provide **relocation assistance** to help businesses who want to stay in the neighborhood during construction periods.
7. **Enact the common-sense policy changes included in the City Council’s December 2017 Planning for Retail Diversity report**, including:
  - a. Collect data on storefront retail to study the rezoning’s potential to displace small businesses, especially minority- and women-owned businesses, and affect street vendors (Rec. #3, p. 28)
  - b. Apply Special Enhanced Commercial Districts to portions of the “Commercial U” already saturated with banks and large-format retailers to limit their presence on the ground floor, which would also disincentivize the warehousing of small retail space by landlords hoping to attract such a client (Rec. #8, p. 43)
  - c. Relatedly, enact formula retail restrictions along the “Commercial U” (Rec. #9, p. 44)
  - d. Pilot an “inclusionary affordable commercial space zoning tool” analogous in principle to MIH with neighborhood input determining the the types of businesses eligible for the zoning bonus (Rec. 10, p. 45)
  - e. Provide incentives, including tax abatements and direct subsidies, for landlords to renew affordable leases in good faith with small business owners (Rec. #19, p. 60)

- f. Require storefront vacancy reporting (Rec. #4, p. 29).

## E. Fortify and green our infrastructure

Inwood's infrastructure is crumbling. Transit is overcrowded and unreliable. Decaying electrical, gas, water, and sewer lines pose hazards. Schools are over capacity. All of this must change before new development can begin. In addition, these infrastructure considerations must join sound environmental planning that accurately and honestly accounts for the impact of climate change on our neighborhood by installing flood buffers and prioritizing green construction.

### 1. Improve the functioning of transit infrastructure.

The subways and buses in Inwood have already proven inadequate, with massive, frequent, and unpredictable delays and cancellations of service as well as overcrowding, even at late hours. These symptoms will only increase in frequency and severity with the addition of well over 14,000 new riders and destination retail in Inwood. Our plan demands more buses and subway trains at all times of day and night throughout the year, on all lines in Inwood in order to provide adequate service without delays and interruptions of service.

### 2. Enlarge and repair subsurface infrastructure

Subsurface infrastructure has degraded to a critical point. Ninety-year-old electrical cables, some with paper insulation, put large swaths of Manhattan at risk of blackout should they fail, and indeed Inwood has suffered outages in recent decades from burnt feeder cables. Unrepaired 100- to 150-year-old gas lines pose risk of explosion<sup>18</sup>. Lead has been leaching into our schools' water supply.<sup>19</sup> Storm sewers back up into certain streets in heavy rain events, for example, at Riverside Drive and Seaman Avenue near the Henry Hudson choke point.<sup>20</sup> When there is work on water mains or one breaks, many residents get brown water. An increase in population will push this crumbling infrastructure over the edge. In previous upzonings elsewhere in the City, there has not been a concomitant increase in infrastructure capacity or reliability. A complete overhaul of subsurface utilities including electricity, gas, water, and sewer must occur *before* any rezoning can take place in Inwood.

### 3. Increase Public Services

The existing public services for Inwood are already stretched to their maximum, with overcrowding of schools and a lack of adequate healthcare and municipal resources. A substantial increase in population without increasing capacity will lead to overflowing classrooms and taxed schedules such as morning lunches in schools. The award-winning Inwood Library should be expanded to accommodate new residents well beyond the square footage proposed in the ULURP. The Inwood post office is strained beyond capacity and needs to be expanded, or there needs to be an additional zip code and station, perhaps in any new development east of 10th Avenue.

### 4. Install Flood Buffer

Much of eastern Inwood sits in 100- and 500-year floodplains, but parts of these areas have flooded far more frequently and will flood more frequently in the future. Our plan buffers the coastlines in Inwood that are prone to flooding with areas resilient to flooding such as wetlands and parklands. We call for a 40-foot buffer in two parts, along the Harlem River from the boathouse south of Dyckman Street to North Cove (the southern park), picking up again from just north of the rail yards to the Broadway bridge (the northern park), connected by a cantilevered structure at river's edge along the rail yards to complete the greenway. To this end, these two City-owned parks should be designated instead of relying on narrow strips of privately owned waterfront space developed by individual property owners. The northern park, currently

<sup>18</sup> Personal correspondence from our dearly departed Isaiah Obie Bing.

<sup>19</sup> Pichardo, Carolina. "[Lead Levels in Inwood School's Water Are Up To 450 Times Federal Limit](#)," *DNA Info*, 9 Feb 2017.

<sup>20</sup> Personal correspondence with NYC Department of Environmental Protection (DEP), 2016–2018.

designated M1-4 in the City's plan, north and east of 9th Avenue, would continue to be set aside as M-zoning, until such time as it could be purchased as City-owned parkland. A park at this location would act as a necessary northern terminus to the adjacent new waterfront proposed in the "Inwood NYC" plan, much as Sherman Creek lies at the south end of that redevelopment area. A park at this location would also provide a much-needed alternative to the overcrowded Inwood Hill Park peninsula and pits to soak up floodwaters. These "green" buffers should be designed in accordance with flood zones based on 2032 climate projections, not historical flood maps.<sup>21</sup> Generous swales and tree pits for street trees should be installed on all sidewalks in the floodplain to absorb water.

#### **5. Complete the Greenways**

In the EDC's November 2015 report from their Parks & Streets Workshop, completed greenways featured prominently among community suggestions, with many pointing to the Northern Manhattan Parks Master Plan of 2011. With the completion of the northbound Henry Hudson bike path several years ago, bike traffic from cyclists riding from points south significantly increased in Inwood immediately. As greenway links are established north and south, bike traffic will increase further as Inwood becomes more of a destination for day trippers. The NYMTC Hudson River Valley Greenway Link study developed a conceptual approach to a phased plan for establishing a link between the Hudson Waterfront Greenway in Inwood and the Old Croton Aqueduct Trail in southwest Yonkers. This greenway plan needs to be carried out to connect the Hudson Greenway in Inwood through Riverdale to Yonkers. To finish the network, the Parks Department needs to complete the Phase II of the water-level Hudson Greenway to the south, as well as the Harlem Greenway in and approaching Inwood from north, and to connect to the existing waterfront Harlem greenway further south in Manhattan. To facilitate safe east-west transfers from the Hudson to the Harlem greenways, we call for the preservation and enhancement with planted buffers of the Dyckman Greenway connector and other bike lanes in Inwood.

#### **6. Mandate LEED Standards and Encourage Solar Construction**

Building specifications and land-use design should reach LEED-Gold standards or higher and renewable sources of energy should be utilized for new and existing buildings. Inwood has a remarkably uniform building height with a minimum of shadow, making the community an excellent site for rooftop solar development. The November 2017 CB12 resolution speaks to this desire and suggests that this potential for solar rooftop development be preserved (i.e., prohibit taller buildings that cast shadows). Therefore, building specs and design should include, where feasible, green building technologies, solar and green roofs, room for recycling and composting, greywater systems, and other infrastructure improvements; and use of alternative energy sources, such as solar, wind, biomass, or hydro. The carbon cost of every building should be established and framed in context of the current carbon cost per person and per building as a function of building density and age.

#### **7. Pursue Innovative Organics Management Strategies**

The former Inwood incinerator building is now used as a garage, but if retrofitted, it could also be used to test in-vessel composting and anaerobic digesters and to process organic materials collected from Inwood buildings by DSNY. This should be explored.

### **F. Respect the Community**

The following recommendations should not be controversial and provide a baseline of expectations we have of any rezoning proposal. If these measures cannot be guaranteed going forward, the process must

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<sup>21</sup> Specifically, the 'flood zone' scenario should be based on the baseline 'High' scenario in NOAA (Sweet et al, 2017). or high '8 feet' scenario in the NCA4 CCSR (Horton et al, 2017) for 2032 with a superimposed storm surge, 0.1%, 0.02% flood probability. N.B., this baseline scenario is slightly different/updated from the NYCPC.

cease until resources are provided for collaborative, meaningful, deliberative engagement with the community, and of community members with each other.

### 1. Reckon with Inwood's colonial legacy

Any rezoning effort must confront Inwood's colonial legacy. Any proposed rezoning of the North Cove can only take place after formal consultation with Lenape people. The burial grounds of the Lenape people, including the North Cove, have not been respected or protected from development, a further insult to the theft of their land. This area is still used for sweat lodges and other ceremonies by the modern-day indigenous community.<sup>22</sup> A rezoning presents an opportunity to memorialize the presence of the original inhabitants of Inwood and reckon with the legacy of settler colonialism. As we suggest above, the North Cove area and any other areas that constitute sacred burial grounds should be landmarked following a process similar to that protecting the African burial grounds on 126th St in East Harlem and set aside as parkland. A similar reckoning must occur with the African burial grounds at 212th Street and 10th Avenue, which should be acknowledged publicly and memorialized as the resting place of slaves owned by the Dyckman family. Accompanying any rezoning should be a public dialogue around decolonizing the toponyms of Inwood.<sup>23</sup>

### 2. Provide jobs for our community

New developments and renovated infrastructure need to create good construction jobs at prevailing wages for local residents. At least 30% of construction jobs must go through local hire to Inwood residents through pre-apprenticeship training for long-term career development in the building trades unions. There is precedent for this type of pre-apprenticeship program, including the commitment of the building trades unions to invest in community training and growth. There is also precedent and legal counsel to include this provision in the zoning code due to the environmental impact of the wide variety of construction jobs that will be created by development. We must ensure that development in our community provides a long-term pathway for better employment and better quality of life.

### 3. Engage the community

Many of the community members that our nonprofit groups, tenant and community organizers, and coalition members have engaged still do not have a clear understanding of the Inwood NYC plan and have not received notices by the City about the Inwood NYC meetings and events. Many community members have learned about these opportunities only to come to an Inwood NYC event and be told there was not sufficient space to enter the room, to find no interpretation provided, or to feel that their comments were not taken seriously by the facilitators. Only one open community event was structured so residents got to see what they each proposed; they saw a unanimous community consensus emerge, only to see a month later that EDC had totally ignored that consensus.<sup>24</sup> These types of experiences make it less likely for people to return to another meeting in the future, discouraging meaningful engagement. Beyond this, a vast additional number of community residents have yet to receive any engagement or information from NYC EDC or other city-affiliated departments about the rezoning—particularly the working-class, primarily Dominican and Spanish-speaking community east of 10th Avenue in whose backyards the most dramatic rezoning is slated to occur. **We have the right to a deliberative engagement process that attends to the real needs of our community.**

Going forward, we need:

<sup>22</sup> See "The Indian Life Reservation," Reginald Bolton. Luis Ramos of the Taino Community runs regular ceremonies on this land.

<sup>23</sup> See: <http://myinwood.net/inwoods-forgotten-slave-cemetery/>

<sup>24</sup> The "charette" at the June 2017 Community Board 12 Land Use Committee meeting: This event was flawed as the space was too small to accommodate everyone who came and EDC only allowed residents to deal with part of the rezoning plan, not all of it. But still, the 150 participants produced a remarkably strong unanimous consensus which was not at all reflected in EDC's July 2017 Inwood NYC Plan Update.

- a. Advance notice of all meetings: a minimum of 3 weeks in order to work with local nonprofits, community organizers, tenant associations, and faith communities to assist in developing an outreach plan that allows at least 2 weeks to implement and actually engage in community outreach
- b. Meetings scheduled in the evenings or on weekends to accommodate the working class fabric of our community
- c. City agency outreach that includes notices in local newspapers, especially Spanish-language media, as well as City agency street outreach to pass out flyers in the same way and with the same zeal that political candidates canvass prior to elections; this includes a focus on NYCHA buildings that will be among those most affected by the proposed rezoning
- d. All key meetings and public hearings in the ULURP must be located in Inwood or Washington Heights rather than downtown (e.g. City Planning hearing, City Council votes, etc.) and in venues that hold 300+ people and can adequately accommodate active participation from community members, with the City paying for space rental as needed
- e. Language equity, including translated Spanish-language materials at the same time the English materials are released and interpretation services at every meeting and for the full duration of the meeting.

## V. Conclusion

The idea to better utilize underdeveloped land to benefit a community badly in need of more affordable housing is not a bad one. In fact, the communities that make up our groups deeply support the urgency of addressing the crisis of decreasing affordable housing stock in Inwood and Washington Heights, one of the last bastions of affordable housing for working-class people in Manhattan. However, we take issue with a top-down city plan that does not adequately incorporate our community's ability to dream and envision the sort of neighborhood we want for ourselves.

Instead, we have thoughtfully crafted **a more just rezoning proposal** that emerges organically from knowledge in and of our community. Our plan is informed by a powerful and balanced ethic of contextual development and preservation of the good in our neighborhood. The rezoning we propose accommodates all of us: we protect existing residential and commercial developments throughout much of the neighborhood, thoughtfully plan lower-density carve-outs for creatives in our community near high-traffic choke points, and provide the opportunity for increased density for developers who go the extra mile to ensure environmental sustainability and 100% permanent affordability for our community near the Harlem River. Our proposal allows for responsible, community-driven growth while protecting our neighborhood from predatory speculators and unchecked market pressures.

In conjunction with these zoning changes, and to redress the speculation we have begun to see in Inwood that is all too familiar in Williamsburg, Downtown Brooklyn, Flushing, Bushwick, and other neighborhoods in advance of a rezoning, we must **put preservation first**. There are numerous strategies that can protect not only our many tenants who live in existing affordable housing stock, but also the vacant units that could be made affordable, the land that makes up the character of our neighborhood, and the small businesses that make our community thrive.

Preservation of these existing resources is not in opposition to ethical and comprehensive development. It is a necessary complement. But for this development to be acceptable to our community, we must **make it truly affordable** for our community. Our members have done the work: the financial models of non-profit developers show that we can, and that we must, build housing our community can afford in buildings that can still cover their operating costs and function well. We must be more creative than the

profit-driven mechanisms we are presented. We have a host of additional tools for deeply affordable housing, like community land trusts and eminent domain, that enjoy both political will and popular support.

We must also **protect our small businesses** by pushing for comprehensive zoning reform as well as enacting measures that are already in place and functioning well elsewhere in Manhattan. These special districts, protections against landlord harassment, and tax incentives will ensure Inwood retains its immigrant- and women-owned small businesses that serve our community. We must aim to diversify our existing mix of businesses to ensure we can get more of what we need in our neighborhood without succumbing to the predatory influence of Business Improvement Districts (BIDs).

We cannot continue with any development plans if we do not **repair and fortify our infrastructure**, ensure school desks and resources for our children and the children of new residents, and comprehensively prevent safety risks such as MTA overcrowding; fires from broken gas lines or ancient, often paper-insulated electrical cables; contaminated water supply; or inundation of shifting floodplains. We have seen the risks of out-of-control development in neighborhoods that lack proper infrastructure. These cautionary tales should urge us into prophylactic and already-overdue revamping of our hundred-year-old infrastructure.

Finally, planners must **respect our neighborhood**. Our community has shown what it means to be respected: it means creating a plan in collaboration, that follows our desires and concerns for our neighborhood, rather than pigeonholing our responses into a predetermined list of options. It means engagement from the beginning, in the languages that we speak, at the speed at which we can ensure the participation of working folks, young families, and all who live in the community. It means creating a plan that provides jobs that are both living-wage and safe through partnerships with our unions who have already expressed support, and we must do this to ensure that the job growth that occurs through development revitalizes our community members' futures as well. And this respect for the community is the bedrock of what neighborhood planning means: we cannot plan for a neighborhood if we do not plan with our neighbors.

Each priority outlined in this plan is viable. It is legally possible, financially feasible, and politically actionable at the local level. Enacting these demands merely requires a willingness to collaborate with our community. And it requires a willingness to be truly creative, to learn from the lessons of other neighborhoods and our fellow advocates across the country who have created unconventional solutions and found that they work when people work together. We know that nothing can be for us if it is about us but without us, so we hope that this research over the past two years is a call for the city to truly act with us, to incorporate our recommendations, and to be as accountable as they can be to us, the people of uptown united.

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